

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WINSTON NAJEE REED,
Plaintiff,
v.
CALVIN JOHNSON, et al.,
Defendants.

Case No.: 3:23-cv-00656-RCJ-CSD

ORDER

State prisoner Winston Reed brings this civil-rights action under 42 U.S.C. § 1983, contending that his rights were violated while he was incarcerated at High Desert State Prison. (ECF No. 1-1). On January 18, 2024, this Court ordered Plaintiff to either pay the full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* (“IFP”) by March 18, 2024. (ECF No. 5). Before that deadline expired, Plaintiff filed a declaration stating that he submitted a request for his financial certificate and inmate trust fund account statement for the previous six-month period from prison officials on January 18, 2024, and sent kites to the law library supervisor following up on the status of his request on February 18, March 4, and March 10, 2024. (ECF No. 7). But Plaintiff has not received his financial documents from prison officials or a response to his requests for an update. (*Id.*) Considering Plaintiff’s statements, the Court grants him a final extension of time to address the matter of the filing fee.

I. DISCUSSION

Under 28 U.S.C. § 1915(a)(2) and Nevada Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the action without prepaying the full \$405 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3), (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e.

page 4 of this Court's approved form), and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

When plaintiffs have difficulty obtaining the required financial certificate and inmate account statement for the previous six-month period from prison or jail officials, the Court has required them to complete and file the first three pages of the application to proceed *in forma pauperis* on the Court's approved form together with a declaration demonstrating that the plaintiff has done all that is possible to acquire the documents from prison or jail officials. If the application and information provided in the declaration are sufficient, the Court has considered the plaintiff's application to proceed *in forma pauperis* to be complete.

Plaintiff filed a declaration detailing the efforts he undertook to obtain his required financial documents from prison officials, but he did not file the first three pages of the application to proceed *in forma pauperis* on the Court's approved form. (See ECF No. 7).

II. CONCLUSION

It is therefore ordered that Plaintiff has **until April 15, 2024**, to either pay the full \$405 filing fee for a civil action, file a new fully complete application to proceed *in forma pauperis* with all three required documents, or complete and file the first three pages of the application to proceed *in forma pauperis* on the Court's approved form.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. Dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can either pay the filing fee or properly apply for *in forma pauperis* status.

The Clerk of the Court is directed to resend Plaintiff Winston Reed the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same, and to retain the complaint (ECF No. 1-1) but not file it at this time.

DATED THIS 18th day of March 2024.


UNITED STATES MAGISTRATE JUDGE